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Identical letters dated 3 September 2004 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith the letter dated 3 September 2004 from Mr. Elmar Mammadyarov, Minister for Foreign Affairs of the Republic of Azerbaijan regarding the illegal activities carried out by Armenia in the occupied territories of the Republic of Azerbaijan, following the armed aggression and ethnic cleansing perpetrated by Armenia against Azerbaijan and its population, in blatant violation of international law and international humanitarian law (see annex).

I should be grateful if the present letter and its annex could be distributed urgently as a document of the General Assembly, under item 57 (n) of the provisional agenda, and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

* A/59/150.

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Annex to the identical letters dated 3 September 2004 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General and the President of the Security Council

In my letter of 10 July 2004 regarding the intention of the Armenian separatist regime established by the Republic of Armenia in the occupied territories of Azerbaijan to hold "elections" to the "local self-governance bodies" (S/2004/562, annex), I underlined the attempts of Armenia to consolidate the results of its blatant aggression against Azerbaijan. Today, I would like to draw your attention to other illegal actions carried out by Armenia in the occupied territories of Azerbaijan.

By maintaining its illegal occupation of the Azerbaijani territories, Armenia seeks to impose on Azerbaijan a forceful solution of the conflict on the basis of fait accompli and furthermore, ignoring and disrespecting the will of the international community with a sense of impunity, tries to annex part of the territory of Azerbaijan in violation of Armenia's own international commitments. To this end, Armenia has started to solidify the consequences of the unprecedented mass-scale ethnic cleansing campaign and to settle the Armenian population in the occupied Azerbaijani territories, thus creating a new demographic situation. I believe that the dangerous and potentially explosive impact of establishing these illegal settlements is self-evident.

Below are some facts documented by Armenian sources, which testify both that the settlements are being established and that this is being done in an organized manner:

(a) On 10 September 2001, the Armenian news agency Asbarez Online released the following information:

> "Officials in Yerevan, meanwhile, say that more than one thousand families from Armenia have taken up residence in Karabakh since 1994. Part of the settlers resides in the Armenian-controlled Lachin district in Azerbaijan. According to the Armenian Government's Department of Migration and Refugees, as many as 100,000 Armenian families are ready to move to Karabakh";

(b) According to the information provided by the Armenian news agencies Armenpress and Noyan Topan dated 10 January 2002:

> "[Armenia's] government-affiliated migration and refugee commission said that close to 700 families asked for permanent residency in Nagorno Karabakh between October 2000 and January 1, 2002. The biggest portion, 547 families, were urban residents of Armenia. Approximately 310 families were from Yerevan. The department said it helped settle 70 families or 370 people in Nagorno Karabakh in the last two years";

(c) The "Chief of the Department for Refugees and Migrants" of the so-called "Nagorno-Karabakh Republic", Serj Amirhanian, informed the ARKA and NKR news agencies that since January 2004 82 families from Armenia and other countries of the Commonwealth of Independent States had moved into the Nagorno-Karabakh region.

Armenia also falsifies the history and defaces the cultural and architectural heritage of the city of Shusha in the Nagorno-Karabakh region — a historical Azerbaijani city the overwhelming majority of the population of which were Azerbaijani before the Armenian occupation in May 1992. To ensure the implementation of this distortion of reality, Armenia, with the assistance of the Armenian diaspora, has established the so-called "Shusha" fund.

Armenia brings new settlers in and changes the demographic situation not only of the Nagorno-Karabakh region, but also of other occupied regions of Azerbaijan around Nagorno-Karabakh. The region of Lachin, under Armenian occupation since 1992, has now about 13,000 residents who were resettled there by the Government of Armenia. Moreover, Armenia applies an Armenian name, "Berdzor", to the Azerbaijani city of Lachin. This outrageous practice of historical falsifications has a long history — Armenia has always tried to "armenianize" native names of historical Azerbaijani places, adding a cultural "insult" to the "injury" of ethnic cleansing.

The Security Council, in paragraph 3 of its resolution 822 (1993) and paragraph 11 of its resolution 853 (1993), reaffirmed that "all parties are bound to comply with the principles and rules of international humanitarian law". Thus, the provisions of main legal instruments of international humanitarian law, inter alia, the Fourth Geneva Convention of 1949 and the First Additional Protocol, apply to Armenia, which is a party to all four Geneva Conventions and two Additional Protocols. As you also know, those provisions, namely, article 49 of the Fourth Geneva Convention and article 85, paragraphs 4 and 5, of the First Additional Protocol prohibit deportation or transfer of parts of a civilian population by an occupying power into the territory it occupies.

All the aforementioned illegal actions make evident once more the dangerous policy pursued by Armenia to alter the situation in the region and to prevent the return of the Azerbaijani population to their homes with a view to undermining the process of settlement of the conflict.

It is obvious that, without strong pressure on the part of the international community to hold Armenia responsible, it will not change its aggressive and destructive stance. The ongoing illegal settlement, so-called elections, based on exclusively mono-ethnic constituencies, infrastructural changes and other actions of the Armenian side on the occupied territories of Azerbaijan should be strongly and unequivocally condemned by the international community in the light of the already established precedent of considering and condemning similar illegal practices in occupied territories. Otherwise, the inaction of those who are responsible for the restoration and maintenance of peace and international security and for the mediation of the conflict between Armenia and Azerbaijan will further aggravate the situation, thus having a negatively impact, and ultimately undermining, the process of peaceful settlement of the conflict.

Should the victim and the aggressor, those who adhere to international law and those who violate it, be treated on an equal footing, we could hardly expect just and fair settlement of the conflict.

Azerbaijan expects that these serious concerns will receive your adequate reaction and prompt your strong action to remove the obstacles derailing the already fragile negotiation process. Only an attitude based on full and unequivocal respect

for the letter and spirit of international law may open up ways of reaching a just, complete and comprehensive settlement of the conflict between Armenia and Azerbaijan.

(*Signed*) Elmar **Mammadyarov**